

JFK/ Deep Politics Quarterly

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WHY THE ZAPRUDER FILM IS AUTHENTIC

by Josiah Thompson *file*

[ed. note: a brief commentary is necessary to understand the genesis and background of both this article and the nature of the debate. In the previous issue of the *JFK/Deep Politics Quarterly*, a commentary by Greg Jaynes was published which reflected the Thompson-Fetzer "debate" held in November, 1998, in Dallas; in his internet post, titled something like "Thompson kicks Fetzer's a**", Greg Jaynes vented *his* spleen on the Zapruder alteration debate. I then heard immediately from Dr. Fetzer, who demanded I print his commentary, and told me, among other things, that I was under a "moral obligation" to do so, particularly since I had refused to print his rebuttal to a review of his book which appeared in the *JFK/DPQ*. I responded that I had published not one, but two letters of his which addressed points in the review (July, 1998 issue), so he ought to get his story straight, and that I felt no "moral obligation" to clean his laundry, particularly since the promoters of the Thompson-Fetzer debate had turned off the microphone during Fetzer's angry rebuttal. If they felt themselves under no moral obligation, I asked, why should I? He wrote back, in a tone which Josiah Thompson mentions toward the end of the article, to say that since I was hesitant to deal with "the truth," I was really the enemy in disguise. Frankly, I have worked too long and too hard to hear that kind of drivel. From there, Dr. Fetzer went all over the net in a

campaign to force me to publish his rebuttal, even contacting Greg Jaynes. Greg indicated he had not given me the piece, [internet posting makes it "public"], but went on to say that he stood by the content of it and that he perceived Thompson to be the clear winner. That event, too, has a genesis. At COPA 1996, a regional meeting in Dallas, Robert Groden began to introduce a video presentation. Two rows in front of me, Dr. James Fetzer stood and excoriated Groden in front of a sizable crowd, as Groden's video presentation included the Zapruder film, which, according to Fetzer, had been proven to be false during the course of that weekend. "What is your proof?" many yelled, although Dr. Fetzer offered none. I remember turning to watch the crowd and the person yelling to/at Dr. Fetzer the loudest, for proof, was Greg Jaynes. He got no answer from Fetzer, although David Mantik took the microphone [while Fetzer and Groden retreated to the rear of the hall to settle their differences] to explain that the Moorman Polaroid photo shows the background--the knoll--and the foreground--the car--in the same perspective, so they must be traveling at the identical speed. Since the knoll is not moving, then the car cannot be moving, and since the Z film does not show the car to stop, there is a proof of alteration. The rest would wind up in Dr. Fetzer's book. As a subscriber, he will receive this, and he is more than welcome to rebut, line by line, paragraph by paragraph, what Josiah Thompson has to say. I would ask him to please leave my lineage out of it].

DR. THOMPSON: Before turning to the Zapruder film in particular, I want to situate it under a more general horizon. If altered, the Zapruder film would be an

example of a more general phenomenon: the alteration of physical evidence by the authorities in a criminal case. Yes, it does happen. Not often. In fact, it's almost unique.

In over twenty years of experience as a criminal investigator, I've seen it happen only once or twice. But it does happen. In fact, right now I have a death penalty case where I think it happened. Let me tell you about it.

[HERE FOLLOWS A BRIEF DESCRIPTION OF THE POSSIBLE SUBSTITUTION OF A CARTRIDGE CASE BY THE INVESTIGATING OFFICER IN A MURDER CASE.]

Whether or not a substitution was made in this case is not the point. What is the point is the considerations that would make such a substitution plausible, that would make someone even try it: Note first that the crime scene cartridge case was in the custody of the person carrying out the substitution. Note second that, since the cartridge case was linked to no other evidence in the case, once the substitution was made there was no way for it to be discovered. Note third that the person who substituted the cartridge case knew exactly what he had to prove by the substitution.

Now let's try on another hypothetical example for size. Let's say that a particular letter is found at a crime scene. Let's say that that letter was the output of a computer at a remote location. Let's also say that the investigating officer had some incentive to change the wording in the letter.

If you were that investigating officer, what questions would you ask yourself? Wouldn't you first ask whether there were other copies of the letter? Had the writer kept a copy in a safe place or given it to someone else? Was the text of the letter kept on the computer? Even if it

had been deleted from the hard drive of the computer, was there a backup somewhere? The alteration of evidence in a criminal case is a desperate act. Would you take that chance if you knew that irrefutable evidence of the alteration might turn up somewhere else? And how could you ever be sure?

Now let's take a photograph of a crime. First, you'd have to know exactly how you wanted to alter it. Secondly, you'd have to be sure no other copies no negative hidden away, no second copy residing in someone else's possession existed. Thirdly, you'd have to be sure that no other photographs taken by anyone else later would surface to expose the alteration.

With these considerations in mind, consider whether you would undertake to alter the Zapruder film. First, you'd have to know exactly what you wanted to show in your alteration. Second, since the film in question was a movie, you might very well have to alter not just one frame, not just one sequence of frames, but many. Thirdly, what about the other films? At least thirty-eight people were taking pictures that day in Dealey Plaza.

At the very least, the Muchmore and Nix films also would have to be altered.

The Muchmore film was purchased by UPI on Monday, November 25th, and shown the following day on WNEW TV in New York City. On Friday, November 29th, the Nix film was also purchased by UPI and shown the next week in theater newsreels.

But the critical problem for anyone thinking of altering the Zapruder film is not the Muchmore and Nix films. It is all the other films you don't know about--films developed outside Dallas by people from out of state who just happened by...or by foreign tourists who would get their films developed in their home

countries. Any one of these unknown films could expose your alteration.

If one sat down for a long, long time it would be difficult to come up with a situation where alteration was more unlikely than in a film of the assassination of President Kennedy, a murder occurring at noon in a public square in front of hundreds of witnesses, an unknown number of whom were taking photographs of it.

Unlikely? Yes. Foolhardy? Yes. Impossible? No.

What makes it impossible is the actual provenance of the film itself. Recall above the example which showed the foolhardiness of faking a letter if you were not in possession of all the copies. This situation is repeated with respect to the Zapruder film. For a minute, come along with me as we plot Zapruder and his film's movements over that crucial weekend thirty-five years ago...

NOVEMBER 22, 1963

8:00 am Abraham Zapruder arrives at the offices of Jennifer Juniors. Marilyn Sitzman and Lillian Rogers persuade him to retrieve his 8 mm. movie camera from his home.

11:30 am Zapruder returns to his office after retrieving his camera.

12:30 pm Zapruder films the assassination from a pedestal in Dealey Plaza.

12:45 pm Zapruder returns to his office and locks the camera in his safe.

1:30 pm Reporter Harry McCormick takes Secret Service Agent Forrest Sorrels to Zapruder's office. Emotionally upset, Zapruder agrees to furnish Sorrels with a copy of his film if Sorrels will agree that the copy is only for use by the Secret Service and that it would not be shown or given to any media. Sorrels agrees.

1:45 pm Together with Zapruder's partner, Irwin Schwartz, Sorrels, McCormick and Zapruder drive to *Dallas Morning News*. Since they can't process the film, they walk to WFAA TV. Zapruder is interviewed live; Schwartz is photographed with the camera.

2:15 pm A police car takes Sorrels, Schwartz, Zapruder and McCormick to the Kodak plant. Zapruder makes arrangements for the processing of the film. Phil Willis meets Sorrels at the Kodak plant and also agrees to furnish the Secret Service with copies of his 35 mm. slides. Sorrels gets a phone call and leaves for Dallas Police Headquarters.

3:15 pm (est.) The processed film is shown to fifteen to eighteen people. To have copies made, Zapruder must take camera original to Jamieson Company.

4:00 pm (est.) Zapruder has three (3) copies made by the Jamieson Company. He requests affidavit that no more copies were made.

4:30 pm (est.) Zapruder returns to Kodak plant with the original and three (3) copies. He has the three (3) copies processed and requests affidavits from Kodak personnel that only three (3) copies were processed.

Afternoon: Richard Stolley and Tommy Thompson of *LIFE* fly in from Los Angeles. *LIFE* stringers Patsy Swank and Holland McCombs learn that Zapruder has film of the assassination. Forrest Sorrels receives two of the three first generation copies and assures Zapruder they will be used only for official purposes by the Secret Service.

Evening: Stolley sets up offices in the Adolphus Hotel and begins calling Zapruder's home at fifteen minute intervals. Zapruder, shaken by the day's events, drives aimlessly around Dallas.

9:55 pm Secret Service Agent Max Phillips sends one of the two copies to

Secret Service Chief Rowley in Washington, D.C. In an accompanying note, Phillips says that "Mr. Zapruder is in custody of the 'master' film."

11:00 pm Stolley reaches Zapruder at home and asks to come out and view the film. Zapruder declines. They agree to meet the next morning at 9:00am at Zapruder's office.

NOVEMBER 23

8:00 am Stolley is waiting at Zapruder's office when Zapruder arrives. The film is screened for Stolley. Stolley agrees that *LIFE* will pay Zapruder \$50,000 in two installments for print rights to the film. Stolley leaves with the original and perhaps the remaining copy. The original is sent to Chicago where the *LIFE* editorial staff has assembled to prepare the new issue to be on the newsstands the following Tuesday, November 26th. During the preparation of black and white copies, the original is broken in several places by photo technicians. Splices are made.

At some time this weekend, a copy of the film is sent to New York where it is viewed by C.D. Jackson, publisher of *LIFE*. Jackson decides to acquire all rights to the film and so instructs Stolley.

Evening: Since copies cannot be made in Dallas, Gordon Shanklin, FBI SAIC in Dallas, is instructed to send the copy the FBI obtained from Sorrels by commercial flight to Washington, D.C. Shanklin does so, at the same time requesting that the FBI Lab make three, second generation copies, one for Washington and two for the Dallas Field Office.

NOVEMBER 24

Zapruder may have screened the film for Forrest Sorrels and other law

enforcement agents.

NOVEMBER 25

Morning: Stolley meets with Zapruder in the offices of Zapruder's lawyer. The negotiations end with *LIFE* purchasing worldwide rights to the film for \$150,000. During these negotiations, Dan Rather is shown the film. He neglects to make an immediate bid but elects to check with New York first. During a radio broadcast with Richard C. Hottelet and Hughes Rudd, Rather describes the film which he has "just returned from seeing." Later that day, Rather describes his viewing of the film on the CBS Evening News. Rather could only have seen this film at this time if Zapruder had retained one copy and provided Stolley with only the original the previous Saturday.

NOVEMBER 26

Morning: *LIFE* begins newsstand distribution of the November 29th issue. At the same time, various *LIFE* editors order up prints of the film for viewing in their offices. I was shown one of these in October 1966. Since control was lax, bootleg copies began to circulate.

What emerges from this chronology is a single important fact:

At no time during the hectic weekend did the original of the film ever leave the custody and control of Abraham Zapruder and *LIFE* magazine.

Two first generation copies were provided to Forrest Sorrels of the Secret Service in the late afternoon of November 22nd. One of these copies was shipped to Washington that night. The other was turned over to the FBI and sent by commercial air to Washington the next day. But the original stayed with Zapruder until the

morning of November 23rd when Dick Stolley walked out of Zapruder's office with it under his arm.

That original remained under *LIFE*'s custody and control until it was given back to Zapruder's family in the 1970s.

But how do we know that *LIFE* did not conspire in the alteration of the film? As it is impossible to prove any negative, so it is impossible to prove this negative.

But there is no shred of evidence that it happened.

On Monday, November 25th, many millions of *LIFE* magazine copies went into the mails to subscribers with black and white frames from the film, and, about the same time, copies of the film began appearing in editors' offices. Had the conspiratorial alteration of the film by *LIFE* and the government already taken place? If not, it would have been too late. With unknown copies floating around, the toothpaste could no longer have been put back in the tube.

Recently, another thread in the fabric has become visible. On Saturday morning, November 23rd, 1963, Zapruder sold just print rights to *LIFE* for \$50,000. Other media were clamoring at Zapruder's heels, and two days later he sold additional rights to *LIFE* for \$100,000 more. Are we to believe that Zapruder, always a shrewd businessman, had let Stolley walk out of his office with both the original and the last first generation copy? How would Zapruder be able to negotiate with the media for the remaining rights to his film? Had he given up his last copy of the film, then Dan Rather could not have viewed the film in the offices of Zapruder's lawyer on the morning of November 25th. Had he given up the last copy of his film, he could not have shown the film numerous times to Forrest Sorrels and others over that weekend. Recently, a new fact has come

to light via the inquiries of the AARB. Their report disclosed that "...the Zapruder family's company possessed a third, first generation copy of the Zapruder film."

If Zapruder retained a first generation copy of the film, then there was no time ever when the toothpaste could have been put back in the tube. You say that Zapruder and *LIFE* could both have cooperated with the government in the alteration of the film? You can say this if you will. You can believe it, I suppose...

But I can't. I think it's silly.

At this conference two years ago, Professor James Fetzer declared that a "historical turning point" had been reached: The alteration of the Zapruder film had been proven!

When my colleague here, Hal Verb, had the temerity to disagree, the Professor told him he was "irrational."

When earlier this year, I had the temerity to disagree, I was told by the Professor that "...you have thereby discredited yourself as a commentator on these matters."

Well, Professor Fetzer is a commentator here today and you will be able to judge his commentary. But since he is here, I want to close by taking up two of his contentions.

First, that the original of the Zapruder film was sent to the National Photographic Interpretation Center on the evening of November 22nd.

Second, that famed eyewitness identification expert Elizabeth Loftus has produced findings showing that salient details of events are remembered with 98% accuracy and completeness.

In a recent email to me, Professor Fetzer wrote: "A study that appears in *ASSASSINATION SCIENCE* [states that] the film appears to have been in the hands of the National Photographic

Interpretation Center run by the CIA already Friday night, where an original and three copies were struck and then returned to Dallas in time for a small group of reporters, including Dan Rather, to view the film in a preliminarily edited version."

The study referred to is by Mike Pincher and Roy L. Schaeffer. These writers manufacture out of whole cloth a flight of "at least the original and one copy" from Dallas to Andrews Air Force Base on the night of the 22nd and a return flight of the altered film to Dallas in the early morning hours of November 23rd. They do this without a single fact to support their fancy.

They even cite the Max Phillips note (quoted above), but never tell the reader that Phillips also pointed out that "Mr. Zapruder is in custody of the 'master' [read 'original'] film." They, and apparently Professor Fetzer, have simply misinterpreted the so-called "CIA 450 Documents" discovered by Paul Hoch in the early 1980s. These documents recount the preparation of four photo briefing boards for government officials based upon NPIC's analysis of the film. The question at issue is the timing of the shots. The selection of frames for the briefing boards makes clear that NPIC is looking at the same film we see today. Telltale information is found on page six of the documents which refer to the December 6, 1963 issue of *LIFE*. Hence, the examination was carried out not on November 22nd but sometime in December 1963. The copy of the film analyzed was the Secret Service copy, whose agents stayed with the film while the briefing boards were prepared. AARB located and interviewed two former employees of NPIC who stated that internegatives were made of only single frames to be mounted on briefing boards

and that they never "reproduced the film as a motion picture."

Professor Fetzner makes his second claim in his own recognizable style. He wrote to me: "On Table 3.1 of Elizabeth Loftus, *EYEWITNESS TESTIMONY*, appears a summary of research with 151 subjects which reports that, when a group of subjects considered what they were observing to be salient or significant, they were 98% accurate and 98% complete with respect to their observations, which reinforces their importance as evidence. Even though you appear to accept the widely-held belief that eyewitness testimony is unreliable, Loftus' findings provide one more striking indication that opinions that are popular are not always true.

"Indeed, to think that a view must be true because it is widespread is to commit the FALLACY OF POPULAR SENTIMENTS... While you have cited an appropriate expert in Elizabeth Loftus, you have misrepresented her findings concerning eyewitness testimony in relation to the assassination of JFK...

Indeed, David [Mantik] offers a calculation that, whenever dozens of witnesses all recall an event...in the same way then they are almost certainly correct.

If a single witness has a 2% chance of being wrong, then if all ten witnesses report the same event, the probability they are all wrong is 02 to the 10th power or 10 to the minus 17th, which equals .000000000000000001!"

There are so many errors in these few lines that it is difficult to know where to begin.

First of all, these are not Elizabeth Loftus' findings, but the account of an experiment published in the *Harvard Law Review* by Marshall, et al., "Effects of Kind of Question and Atmosphere of

Interrogation on Accuracy and Completeness of Testimony." The focus of the study is not "salience" or "accuracy" or "completeness" but, rather, methods of interrogation.

Elizabeth Loftus cited the study in her book but these are not "her findings."

Had Professor Fetzner taken the trouble to look at the article he cites, he would have recognized that the "salient items" were not picked out by the people tested in the experiment, but by staff members and high school students. Hence, he misspeaks in saying, "...when a group of subjects considered what they were observing to be salient or significant, they were 98% accurate and 98% complete with respect to their observations."

It is Professor Fetzner's practice to ascribe nonsensical views to people and then criticize them for holding them. Likewise here. The Professor ascribes to me the silly idea that "...a view must be true because it is widespread." Then he exposes me as having committed "the fallacy of popular sentiments" for holding such a silly idea.

This isn't argument. It's just silliness! Then there is Professor Fetzner's claim that I have "misrepresented" Elizabeth Loftus' findings with respect to the Kennedy assassination. It is not only I who "accepts the widely-held belief that eyewitness testimony is unreliable," it is also Elizabeth Loftus. In fact, it is precisely her work which brought about this "widely-held belief." The cover of *Eyewitness Testimony* states that the book "...makes the psychological case against the reliability of the eyewitness." This is the book's single, unifying theme. Eyewitness testimony is both unreliable at its inception and subject to corruption by later acquired information and questioning.

Since I'd worked with Elizabeth Loftus on two cases (most recently the Oklahoma City bombing case), I asked her what she thought of the use the Harvard Law article had been put to by David Mantik and Professor Fetzer. She wrote back:

"It is fair to say that salient details are remembered better than peripheral ones. Also, it is easier to mislead people about peripheral details.

"It is WRONG [her emphasis], however, to say anything like 98% of salient details are accurately remembered. If that was shown in the Marshall case, it is only with those subjects, with that stimulus material, in that study. We virtually never make claims about absolute percentages because the real percentages in any situation depend on so many other factors."

So much for my "alleged" misinterpretation of her views.

Next is Professor Fetzer's quotation of a statistical error by David Mantik. Here, as in so many other things, he wraps himself in David Mantik's skirts. But David Mantik is mistaken when he writes: "If a single witness has a 2% chance of being wrong, then if all ten witnesses report the same event, the probability they are all wrong is .02 to the 10th power or 10 to the minus 17th, which equals .000000000000000001!"

They both got it wrong. As Art Snyder will be able to explain to you, they confused a Type I Probability (false negative) with a Type II Probability (false positive). I am sure Professor Fetzer will go on for hours in argument with Art Snyder about this. As for me, I know zip about probability theory and find the important point to be Elizabeth Loftus' "...it's wrong to say anything like 98% of salient details are accurately remembered."

You may wonder why I've taken the time to attack Professor Fetzer here. It is because he expresses a trend in assassination research which I find odious. His emphasis on credentials and the cult of expertise (or alleged expertise) is demeaning to the tradition of inquiry we all share as a community. When the final history of this case is written it will be based on the canons of acute historical research. These canons have nothing to do with how many initials you can hang after your name or how often you're called "distinguished."

They have to do with the evidence you put forward for your view and the reasonableness of the interpretations you hang on that evidence. That's what Sylvia Meagher and I believed when we started working together in the 60s. It was a long time ago in virtually another country. It was 1965... 66... 67, and here and there people were beginning to distrust what they'd been told.

There was Mary Ferrell in Dallas, Penn Jones just outside Dallas, Sylvia Meagher in New York City, Paul Hoch in Berkeley, Cyril Wecht in Pittsburgh, Vince Salandria in Philadelphia, Harold Weisberg in Maryland, Ray Marcus and David Lifton in Los Angeles... and many, many more. A housewife, a lawyer for the school board, the editor of a small paper, a graduate student, a young professor, a WHO official. We were little people. People who had only a few things in common: inquiring minds, an unwillingness to be intimidated by public attitudes, more than a little tenacity, a bit of modesty and a willingness to laugh at oneself. None of us had any money or hoped to make any money out of this. We were doing it for its own sake. We formed a community... the closest thing to a true community of inquiry that I've ever known.

We shared information on a trans-continental basis. I still remember the excitement with which Vince Salandria and I received our copy of the Sibert/O'Neill Report from Paul Hoch! None of us gave a damn for credentials because as we put it "There are no Ph.D.s in assassination research."

Back then, with the might and majesty of the federal government aligned with the news media in defense of the Warren Report, performing assassination research was somewhat like doing research on UFOs. It was not respectable.

And so we formed our own community and helped with each others' research and critiqued each others' drafts. It's that community which still stands in my mind's eye as the ideal and it's that community to which I owe my loyalty. That community lies at the farthest remove from "Assassination Science" and its promoter.

The Sibert-O'Neill Report: Data, Disinformation, or Deceit?

by Walt Brown

If an academician were to read and evaluate the famous Sibert-O'Neill Report, based on the observations of the two named FBI Special Agents from the Hyattsville Residency Agency of the Baltimore Field Office of the FBI, the document would receive at best a C for syntax and grammar, a C- for clarity of expression, and clearly, an F for spelling.

But what does the grade become

when you evaluate that same report in the light of existing FBI standards for gathering evidence in criminal proceedings? Then overlay the fact that the Sibert-O'Neill Report, on the autopsy of the late President John F. Kennedy and materials gleaned from that autopsy, could have, had the "accused assassin" survived being in police custody, been one of the most important criminal investigative reports in history.

What does it tell us?

Let us rephrase that: what is in that report besides the phrase "as well as surgery of the head area, namely in the top of the skull," an ambiguous 15-word phrase which nevertheless earned the work *Best Evidence* a place on the best seller list and countless reprintings?

The most generous answer would be "not much," but a closer look suggests the final two possibilities cited above-- "disinformation" or downright deceit."

The "S-O" document begins in poor expression and never really gets a whole lot better: "At approximately 3 p.m. [no time zone noted] on November 22, 1963, following the President's announced assassination, it was ascertained that *Air Force One*,..." The way in which "President's announced assassination" is expressed, one gets the feeling that there were news bulletins saying the president would be killed at 12:30, later today, and please stay tuned to this channel for details. What the reader has to realize amidst the sarcasm here is that FBI agents were trained to convey clear, accurate, and concise data in all FD-302 forms, the standard reporting vehicle. The FBI group leader, who read every such document, would routinely walk into